

Correspondence Between
Staff and Applicant
Approval Letter

From: [Curtis, Tim](#)
To: [Acevedo, Alex](#); [Berry, Melissa](#); [Castro, Lorraine](#); [Gleason, Teri](#); [Hemby, Karen](#); [McPherson, Mercedes A](#); [Ruenger, Jeffrey](#); [Zimmer, Christopher](#)
Subject: FW: Withdrawal [8-ZN-2019 & 5-AB-2019]
Date: Tuesday, January 21, 2020 4:01:27 PM
Importance: High

For file.

Thanks,

Tim Curtis

From: Paul E. Gilbert <pgilbert@beusgilbert.com>
Sent: Tuesday, January 21, 2020 11:31 AM
To: Lane, Jim <JLane@ScottsdaleAZ.Gov>; Thompson, Jim <JThompson@Scottsdaleaz.gov>; Grant, Randy <RGrant@Scottsdaleaz.gov>
Cc: Klapp, Suzanne <SKlapp@scottsdaleaz.gov>; Korte, Virginia <VKorte@Scottsdaleaz.gov>; Littlefield, Kathy <KLittlefield@Scottsdaleaz.gov>; Milhaven, Linda <LMilhaven@scottsdaleaz.gov>; Phillips, Guy <GPhillips@Scottsdaleaz.gov>; Whitehead, Solange <SWhitehead@Scottsdaleaz.gov>; Court Rich <CRich@roselawgroup.com>; Stephen Weiss <steve@sovereigngc.com>; Macey Weiss <weiss@vestmont.com>; mike leary <michaelpleary@cox.net>; Dennis Newcombe <dnewcombe@beusgilbert.com>
Subject: Withdrawal [8-ZN-2019 & 5-AB-2019]
Importance: High

 **External Email: Please use caution if opening links or attachments!**

All:

The undersigned represents the applicant in connection with the above two-referenced matters, which are scheduled to be heard by the City Council today, January 21, 2020.

I have been authorized by the applicant to formally withdraw both of these cases and request that they be deleted from the City Council agenda for tonight's hearing.

Thank you.

Paul

Paul E. Gilbert

BEUS GILBERT McGRODER PLLC

701 North 44th Street | Phoenix, AZ 85008

Direct: 480.429.3002 | Main: 480.429.3000 | Fax: 480.429.3100

Email: PGilbert@beusgilbert.com

Secretary: Jeanette Williams | 480.429.3102 | JWilliams@beusgilbert.com

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Douglas A. Ducey
Governor



Lisa A. Atkins
Commissioner

Arizona State Land Department

1616 West Adams, Phoenix, Arizona 85007
(602) 542-4631

December 11, 2019

City of Scottsdale Planning Commission
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251

RE: Senior Living at McDowell Mountain Ranch; 8-ZN-2019 and 5-AB-2019

Dear Chair Alessio and Commissioners:

On behalf of the Arizona State Land Department ("ASLD"), I am following up on our previous letter to you from Commissioner Lisa A. Atkins dated November 11, 2019 regarding the subject matter. During the interim, ASLD met with the applicant and their representatives and had discussions with representatives from the City of Scottsdale's Transportation and Planning departments. As a result of those interactions, we have received the attached correspondence which addresses and mitigates our previous concerns. Accordingly, the purpose of this letter is to withdraw our previous objection and recommendation of Planning Commission denial of the subject cases.

Sincerely,

A handwritten signature in blue ink, appearing to read "James W. Perry", is written over a circular stamp that partially obscures the text below it.

James W. Perry
Deputy State Land Commissioner

attachments



Mark Edelman <medelman@azland.gov>

Applications 5-AB-2019 and 8-ZN-2019

1 message

Paul E. Gilbert <pgilbert@beusgilbert.com>

Wed, Dec 4, 2019 at 12:45 PM

To: Randy Grant <RGrant@scottsdaleaz.gov>, Tim Curtis <tcurtis@scottsdaleaz.gov>

Cc: Mark Edelman <medelman@azland.gov>, Paul Peterson <ppeterson@azland.gov>, Dennis Newcombe <dnewcombe@beusgilbert.com>

Dear Randy and Tim:

As you are aware, the undersigned represents the Applicant in connection with the above-referenced applications to be heard by the Planning Commission on December 11, 2019.

As you are also aware from previous conversations and as specifically mentioned in your Staff Report, it is the intent of the Applicant to restrict their request for the abandonment of the GLO easement on the eastern boarder of the property to 8-feet, thus leaving a balance of 25-feet of the GLO easement for future right-of-way to accommodate access to the State Land parcel located to the south of the subject parcel.

It has recently been called to our attention by Mark Edelman with the State Land Department that the Planning Staff understood this revision was to be handled by stipulation.

In order to avoid any confusion and to make the Applicant's intent crystal clear, we wish to go on record as stating that we are requesting a formal amendment to the subject abandonment application and concomitant rezoning application requests in amending the GLO abandonment on the east side to an of 8-foot abandonment request.

Going forward, it is our intent to have the City treat the referenced applications as being amended to the 8-foot GLO abandonment as described herein.

Please feel free to call me if you have any further questions.

Paul

Paul E. Gilbert

12/9/2019

State of Arizona Mail - Applications 5-AB-2019 and 8-ZN-2019

BEUS GILBERT McGRODER PLLC

701 North 44th Street | Phoenix, AZ 85008

Direct: 480.429.3002 | Main: 480.429.3000 | Fax: 480.429.3100

Email: PGilbert@beusgilbert.com

Secretary: Jeanette Williams | 480.429.3102 | JWilliams@beusgilbert.com

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12/9/2019

State of Arizona Mail - 5-AB-2019 and 8-ZN-2019 Applications



Mark Edelman <medelman@azland.gov>

5-AB-2019 and 8-ZN-2019 Applications

1 message

Kercher, Phillip <pker@scottsdaleaz.gov>

Mon, Dec 9, 2019 at 5:27 PM

To: "medelman@azland.gov" <medelman@azland.gov>

Cc: "Curtis, Tim" <tcurtis@scottsdaleaz.gov>, "Grant, Randy" <RGrant@scottsdaleaz.gov>

Mark:

The City of Scottsdale Transportation Department's position relative to the 5-AB-2019 abandonment request is that we believe that retaining a 50 foot wide total GLOPE easement will be adequate to contain a 28 foot wide roadway with sidewalk on both sides. This street cross section is consistent with our Local Collector, Rural/ESL Character, standard (Figure 5-3.16 of our Design Standards and Policies Manual) and has a capacity of 5,000 vehicles per day. Currently there is a 33-foot wide GLOPE easement on each sides of the parcel boundary that connects McDowell Mountain Ranch Road to the State Land parcel in question. With respect to ASLD site access, the Loop Road on Thompson Peak Parkway at the southern end of the site could potentially be reconfigured to provide additional access if the connection to McDowell Mountain Ranch Road is does not provide enough capacity.

If you have any questions or concerns feel free to contact me to discuss.

Phillip H. Kercher, PE, P.T.O.E.

TRAFFIC ENGINEERING MANAGER

CITY OF SCOTTSDALE

480-312-7645

McClay, Doris

From: McClay, Doris
Sent: Wednesday, September 25, 2019 8:30 AM
To: Castro, Lorraine
Cc: Curtis, Tim
Subject: FW: ESLO change to MMR senior living facility

Lorraine

Could you make copies of the letter and put it on the dais?

Doris

From: Kuester, Kelli <KKuester@Scottsdaleaz.gov>
Sent: Wednesday, September 25, 2019 8:26 AM
To: John Dietel <jpd480@cox.net>
Cc: City Council <CityCouncil@scottsdaleaz.gov>; McClay, Doris <DMcClay@scottsdaleaz.gov>
Subject: RE: ESLO change to MMR senior living facility

Mr. Dietel,

Thank you for emailing Mayor Lane and the City Councilmembers and taking the time to share your input. Senior Planner, Doris McClay, is copied on this email should you have any questions and can include your comments in the case file

Kelli Kuester
Management Assistant to the Mayor
3939 N. Drinkwater Blvd., Scottsdale, AZ 85251
kkuester@scottsdaleaz.gov
(480) 312-7977

From: John Dietel <jpd480@cox.net>
Sent: Tuesday, September 24, 2019 5:33 PM
To: Planning Commission <Planningcommission@scottsdaleaz.gov>
Cc: City Council <CityCouncil@scottsdaleaz.gov>
Subject: ESLO change to MMR senior living facility

⚠ External Email: Please use caution if opening links or attachments!

I recently learned that the owner/developer of this proposed facility in MMR is trying to sneak in a change at the last minute allowing a waiver of ESLO requirements. I would imagine this is to solely save money on their end and unfortunately most likely reflects how they will treat residents too. I am sick and tired of wealthy people trying to subvert the rules and government tacitly allowing it. You should hold yourselves and those who want to live in do business in the city accountable and do the right thing which seems to be just lip service these days. As a MMR resident, this is probably something that won't affect me directly, but that doesn't mean it isn't right, and voter apathy isn't right either, which is why I took the time to write you this message and hope you hold them accountable to their original plans that were shared with the local community in good faith.

Regards,

John Dietel

McClay, Doris

From: Curtis, Tim
Sent: Wednesday, September 25, 2019 11:02 AM
To: McClay, Doris
Subject: FW: Planning Commission Public Comment (response #149)

From: Planning Commission <Planningcommission@scottsdaleaz.gov>
Sent: Wednesday, September 25, 2019 9:39 AM
To: Curtis, Tim <tcurtis@scottsdaleaz.gov>
Subject: Planning Commission Public Comment (response #149)

Planning Commission Public Comment (response #149)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Planning Commission Public Comment
URL:	https://www.scottsdaleaz.gov/boards/planning-commission/public-comment
Submission Time/Date:	9/25/2019 9:38:23 AM

Survey Response

AGENDA ITEM	
What agenda item are you commenting on?	4. 8-ZN-2019 (Senior Living at McDowell Mountain R
COMMENT	
Comment:	<p>I am concerned about a project coming to light at the east entrance to WestWorld, referring to the request to build a 5-acre residential development there. WestWorld is too valuable of an asset to our tourism industry and as a revenue stream for the city to allow residential encroachment that might threaten its effectiveness. I hope you will continue to recognize the importance of WestWorld as you consider this request. And ultimately, I hope you will deny it. Thanks for your consideration. With respect, Don Henninger Executive director, SCOTT</p>

Comments are limited to 8,000 characters and may be cut and pasted from another source.

PLEASE PROVIDE YOUR NAME:

First & Last Name:

Don Henninger

AND ONE OR MORE OF THE FOLLOWING ITEMS:

Email:

donh@scottsdale.com

Phone:

(480) 650-2025

Address:

8202 E. Del Camino Dr., Scottsdale, 85258

Example: 3939 N. Drinkwater Blvd, Scottsdale 85251

September 20, 2019

Paul Alessio
Chairman
Scottsdale Planning Commission
3939 Drinkwater Boulevard
Scottsdale, AZ 85251

Dear Chairman Alessio:

We are disappointed and extremely concerned at an item that has quietly made its way onto your agenda. It has to do with jeopardizing the City's and taxpayer investments in WestWorld with a proposal to put residential use on a 5-acre parcel on McDowell Mountain Ranch Road, at the east entrance to WestWorld.

As the three signature users of WestWorld that collectively have spent tens of millions of dollars to help drive Scottsdale tourism, we cannot understand the policy of supporting residential uses near one of City's key areas of commerce. The more residential there is near WestWorld, the more complaints there are about noise, traffic and, in the case of equestrian events, odor. We have evidence of that as the result of one of the City's regrettable zoning decisions years ago allowing a large residential development at the northern tip of WestWorld on Bell Road. Why would it want to repeat such a mistake now?

We are not opposed to rezonings in the area. For example, last year another parcel on McDowell Mountain Ranch Road was approved for a storage facility. Such a place will obviously not be full of residents who may complain.

If this is not sufficient policy rationale to deny or delay this request – one the applicant has not had the courtesy to reach out to us about – here is another. This appears to be the first private-sector development in Scottsdale's history that would be exempt from the city's ESLO ordinance. Allowing this would lead to many more owners asking for removal of their property from ESL.

The decision to designate plans as ESL was an important community wide effort and any removal of property from ESL deserves extensive public input. Disturbingly, we have discovered inconsistencies within their formal application with the City that causes concern for us and the neighboring communities. In their public notice to Neighboring Property Owners and Interested Parties that was sent on April 26, 2019, the applicant states their request for a change in zoning from R1-35 PCD ESL (Single-family Residential within a Planned Community District in Environmentally Sensitive Lands) to C-O PC ESL (Commercial Office within a Planned Community District in Environmentally Sensitive Lands). But within the submitted application with the City the applicant has removed the ESL component in their rezoning request. This has prevented a community from weighing in regarding this important policy decision to remove lands from ESL. Additional community outreach is required to adequately inform the


surrounding property owners that have abided by the current zoning requirements. At a minimum, the applicant should be required to re-notice their case to inform the public of this dramatic precedent-setting request. Please delay your decision to allow this to occur.

We ask this application be denied for the foregoing reasons, or, at a minimum, to be postponed so both we and the City can properly evaluate a proposal that has far more implications than what has been conveyed to you to date.

Sincerely,



Craig Jackson
CEO, Barrett-Jackson Auction Company



Taryl O'Shea
Scottsdale Arabian Horse Show



Doug Huls
Scottsdale Quarterhorse Show

cc: Mayor Jim Lane, jlane@scottsdaleaz.gov
Vice Mayor Linda Milhaven, lmilhaven@scottsdaleaz.gov
Councilwoman Suzanne Klapp, sklapp@scottsdaleaz.gov
Councilwoman Virginia Korte, vkorte@scottsdaleaz.gov
Councilwoman Kathy Littlefield, klittlefield@scottsdaleaz.gov
Councilman Guy Phillips, gphillips@scottsdaleaz.gov
Councilwoman Solange Whitehead, SWhitehead@Scottsdaleaz.gov
City Manager Jim Thompson, JThompson@scottsdaleaz.gov
Planning Director Randy Grant, rgrant@ScottsdaleAZ.gov

Planning Commission Vice Chair Prescott Smith
Commissioner Kevin Bollinger
Commissioner Ali Fakih
Commissioner Renee Higgs
Commissioner Larry Kush
Commissioner Christian Serena

Michael P. Leary, LTD

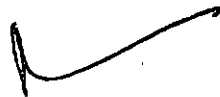
10278 E. Hillery Drive
Scottsdale, Arizona 85255

cell (480) 991-1111
michaelpleary@cox.net

DATE: August 14, 2019

TO: Neighboring Property Owners and Interested Parties

FROM: Mike Leary, Development Consultant



RE: Senior Living at McDowell Mountain Ranch -- responses to 2nd review letter attached

Hi Doris thanks for the help. ML

APPLICANT RESPONSES TO 2ND REVIEW COMMENTS

RE: 8-ZN-2019 and 5-AB-2019

Senior Living at McDowell Mountain Ranch

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 7/1/19. The following **2nd Review Comments** represent the review performed by our team and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the second review of this application and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing and may affect the City Staff's recommendation. The abandonment case 5-AB-2019 could proceed through the process without the zoning case. Please address the following:

2001 General Plan:

1. The General Plan Community Mobility Element (Goal 6) emphasizes the importance of providing access via alternative routes in the event that other access points or routes are not possible. The subject site is located north of, and adjacent to, State Lands parcel 217-14-984A – a parcel with access that is limited to McDowell Mountain Ranch Road. Currently, access to this parcel is provided through General Land Office Easements (GLO's) for which the subject property is seeking to abandon (5-AB-2019). With a resubmittal, provide documentation and exhibits confirming the provision of access to parcel 217-14-984A will continue as a result of this proposal. Please work with adjacent properties to provide master access plan. See additional circulation comments below. **Response: Per recent discussions with staff the project can absorb the reservation of the eastern 20'/30' of the GLO or the dedication of a 20'/30' right-of-way or a 20'/30' access easement. 20'/30' would not impact the south parking lot by using the one-way diagonal layout allowed under the parking section of the zoning ordinance and illustrated on the revised site plan.**

Zoning:

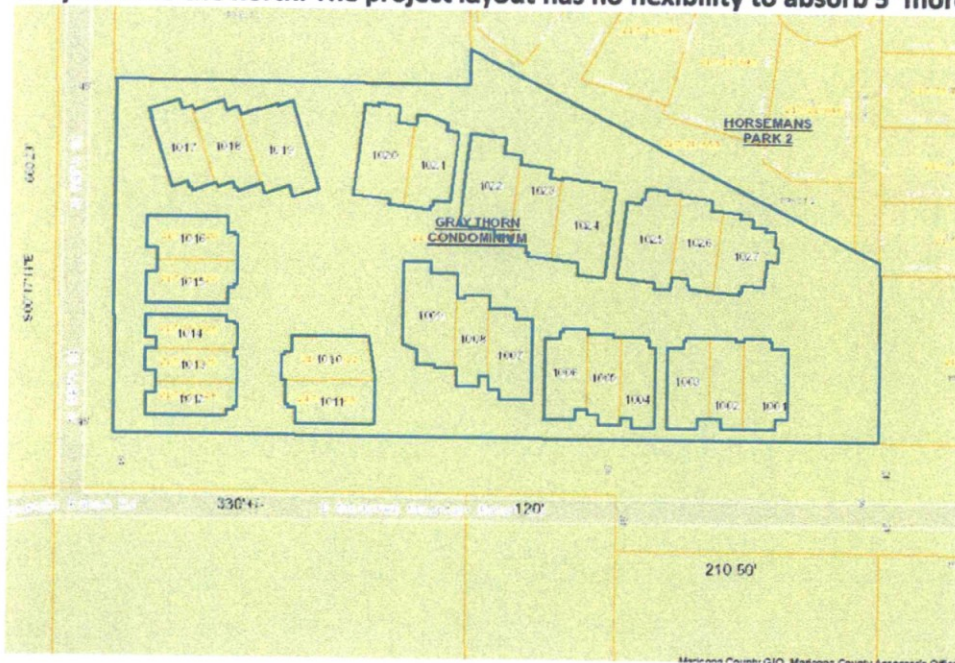
2. Specialized residential healthcare facilities shall not exceed 80 beds per gross acre and Minimal residential healthcare facilities shall not exceed 40 units per gross acre (Section 5.2203). These sections are not calculated cumulatively. If there is a mix of Specialized and Minimal on a property, staff has applied the more restrictive Minimal requirement to the entire site. The site plan has the maximum allowed on each of these based on 5.658 gross acres which is the entire property. Please revise the calculations on the site plan. **Response: Done**
3. NAOS slope analysis states that the Rio Verde Canal and existing washes are not included in the slope analysis calculations. Please revise the slope analysis to include these areas (Zoning Ordinance Section 6.1060.2). Slope analysis table under number 3 has the maximum slope at 19776.56%. Please clarify this maximum slope and add the Lower Desert landform to this table. **Response: As ESL designation is being removed, NAOS calculations no longer apply.**
4. Please provide the area of the proposed NAOS within the Existing GLOPE easement and the dimension and provide the actual square footage of the Rio Verde canal area proposed as NAOS. Revised NAOS

plan shows 30,734 square feet of undisturbed, but the NAOS calculations show 49,815 square feet of undisturbed NAOS. (Zoning Ordinance Section 6.1060.D). If GLO is not abandoned NAOS relocation will be necessary. **Response: As ESL designation is being removed, NAOS calculations no longer apply.**

5. Zoning Ordinance 6.1060.B.4 states that a reduction can be taken for historically designated site (2 to 1). In order to be applicable, this area would have to be rezoned to the Historic Property overlay. Zoning Ordinance 6.1060.B.3 states that there can be a reduction in the required NAOS for scarred areas, but that this reduction cannot increase the maximum 30% disturbed for the required NAOS. Please revised the NAOS plan to comply with this section. **Response: As ESL is being removed, HP 2:1 credit no longer applies.**

Circulation:

6. Please be advised a dedication of an additional 5 feet along the McDowell Mountain Ranch Road frontage for a total minimum right-of-way dedication of 50 feet from monument line to property line - Suburban Major Collector (DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10) will be required. Please revise all plans to show this dedication and revise all calculations including open space and NAOS. **Response: 45' exists, is consistent with other properties in the area including Graythorn to the north. The project layout has no flexibility to absorb 5' more.**



7. Please show the completion of the Major Collector cross section along the McDowell Mountain Ranch Road site frontage – two lanes each direction, bike lanes, center two-way left-turn lane. Match the existing completed cross section to the east (DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10). **Response: Done**
8. Please be advised construction of an 8-foot wide sidewalk along the McDowell Mountain Ranch Road frontage, separated from the back of curb except at headwall locations or at other obstacles will be required (DSPM Sec. 5-3.110). Please show on revised plans. **Response: Per our previous 1st letter response, there is only 9' of right-of-way back of curb so a 4' landscape strip cannot be provided with an 8' sidewalk. A 5' sidewalk is adequate, appropriate and consistent with the sidewalk width to the east in front of the gas station and storage facility. A 5' sidewalk can accommodate the preferred 4' landscape strip back-of-curb to avoid what occurred on the north**

side of MMRR in front of Graythorn as shown below.



GRAYTHORN

9. In a possible exchange of existing 33' GLO right-of-way, please be advised a dedication of 30 feet of public right-of-way is necessary to provide access to the south. DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10 will be required. Proposed NAOS must be removed from any dedicated right-of-way. Please revise all plans to show this right-of-way dedication. **Response: As ESL is being removed, NAOS calculations no longer apply.**
10. Please be advised construction of a Local Commercial street along the eastern property line will be required with a minimum 24 feet of pavement width, curb and gutter, and a 6-foot-wide sidewalk along the site frontage DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10. **Response: Per recent discussions with staff, no improvements are proposed as the ultimate determination of providing improved access to the ASLD parcel is unknown. The design constraints are significant and would run contrary to City standards and policies - the inadequate driveway (138') spacing from 99TH Place driveway, the lack of dedicated right-of-way on the adjoining Thomas property, the removal of a significant length of the old Rio Verde Canal, and drainage impacts on the ASLD property.**
11. as the ASLD parcel is the only beneficiary of MMRR access.
12. On the request for abandonment of the GLOPE easements, the City does not support this abandonment on the property without a local street plan approved for the area that includes providing public access to the State Land to the south. Please work with the adjacent properties to provide this public access. **Response: Per recent discussions with staff, reserving the eastern 30'/20' of the GLO, or dedication of 30'/20' right-of-way or dedication of a 30'/20' access easement is acceptable. The project can absorb the 30'/20' but no more as it would further impact the project's south parking lot.**

13. Please be advised SRC 48-7, 47-10, + 49-219: Off-site transportation, stormwater, + water resources improvements along property frontages to existing supporting infrastructure, with associated dedications, required. Update site plan with off-site improvements accordingly. **Response: Done**

Fire:

14. Minimum fire lane width is 24 feet (Fire Ord 4283 503.2.1). Please demonstrate compliance on the site plan. **Response: We are still discussing with Fire a 20' wide option for the one-way access. Scott Stanek has stated that he will accept a stipulation the reads "a 24' wide fire lane shall be provided unless otherwise reduced by the Fire Department" or language to that effect.**

Archaeology:

15. Archaeology survey are still under review. Comments will be forthcoming. The shown preservation of the Verde Canal resource is a benefit to this project. **Response: The Verde Canal is being preserved so no comments are anticipated at this late date.**

Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. While these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Site Design:

To address these comments, significant changes are anticipated to the proposed building footprint and the site plan.

16. DSPM 2-1.309: Required Number of Non-Residential, Mixed-Use, and Multi-Family Non-Residential, Mixed-Use, and Multi-Family Residential developments shall provide a commercial refuse enclosure for every 20 units. For this development, this equates to 22 commercial refuse enclosures. Alternatively, compactors may be used as an alternative to refuse or recycling containers. To determine adequacy and site location of compactors, if proposed, please provide the following on the site plan, compactor:

- Type
- Capacity - Compactor capacity conversion equating to the city's required 1 enclosure for every 20 units.
- Location
 - Place the refuse compactor container and approach pad so that the refuse truck route to and from the public street has a minimum unobstructed vertical clearance of thirteen (13) feet six (6) inches (fourteen 14 feet is recommended), and unobstructed minimum vertical clearance above the concrete approach slab and refuse compactor container storage area concrete slab of twenty-five (25) feet.
 - Place the refuse compactor container in a location that does not require the bin to be maneuvered or relocated from the bin's storage location to be loaded on to the refuse truck.
 - Provide a refuse compactor container approach area that has a minimum width of fourteen (14) feet and length of sixty (60) feet in front of the container.

- Demonstrate path of travel for refuse truck accommodates a minimum vehicle turning radius of 45', and vehicle length of 40'.

Response: 2 trash compactors will be provided onsite. Calculations are shown on the site plan. The total required capacity is 33 cubic yards based upon the number of units. One 6 cubic yard compactor and one 4 cubic yard compactor have a total capacity of 40 cubic yards.

17. DSPM 2-1.310: Update site plan with a 6-foot width accessible pedestrian route from the main entry of the development to each abutting public/private street that provides a pedestrian sidewalk/multi-use trail. **Response:** A 5' sidewalk is proposed as being adequate and appropriate for this use and its connection to a proposed 5' sidewalk along MMRR.
18. Fire Riser room with exterior door required (DS&PM 6-1.504(1)). Please demonstrate compliance on revised plans. **Response:** Done

Circulation:

19. Driveway spacing along Major Collectors is limited to 250 feet. The proposed western driveway is located less than 150 feet from the existing driveway to the west. The two proposed site driveways are less than 150 feet apart. DSPM 5-3.201. Please show compliance on the site plan. **Response:** The western driveway has been eliminated. The entrance driveway is approximately 235' from the Horseman's Park 99th Place driveway which dimension is just short of the 250' standard yet exceeds the 150' minimum. Per previous discussions with Transportation staff, aligning the driveways was considered more important than separation.
20. The eastern site driveway as shown will create left-turn conflicts with the 99th Place to the north. The proposed driveway must be located a minimum distance of 250 feet from the 99th Place centerline (DSPM 5-3.201). Please show compliance on the site plan. **Response:** Please see Item 18 above.
21. DSPM 5-3.123 E: Update site plan with auxiliary lanes: 11' wide left turn lane at all street intersections on major collectors + arterials (McDowell Ranch Rd. classified as major collector at project's location). **Response:** Done

Technical Corrections

The following technical ordinance or policy related corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect a decision on the final plans submittal (construction and improvement documents) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Site:

22. Please provide zoning district of adjacent parcel on the site plan and show the required setback on the site plan. **Response:** Done
23. Please show the 100 feet from the Single-family district line (centerline of the road) south to indicate the maximum building height of 32 feet area (Zoning Ordinance Section 5.2204.C.2). **Response:** Done
24. Please provide the parking lot area on the Open Space plan. Parking lot landscaping is 15% of the parking lot area. Please revise the Open Space plan. **Response:** Done

25. Please submit conceptual plans showing the McDowell Mountain Ranch street improvements along the site frontage. **Response: Done (this is a similar comment as Items 7 and 20)**
26. Please submit conceptual plans showing the Local Commercial street improvements along the site frontage (eastern property line, 99th Place alignment). **Response: Similar comment to Item 10. Per recent discussions with staff, no improvements are proposed as the ultimate determination of providing improved access to the ASLD parcel is unknown. The design constraints are significant and would run contrary to City standards and policies - the inadequate driveway (138') spacing from 99th Place driveway, the lack of dedicated right-of-way on the adjoining Thomas property, the removal of a significant length of the old Rio Verde Canal, and drainage impacts on the ASLD.**

Please resubmit the revised application requirements and additional/supplemental information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional/supplemental information is necessary.

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURN TO THE APPLICANT.

In an effort to get this Zoning District Map Amendments request to a Development Review Board / Planning Commission hearing, please submit the revised material identified in Attachment A as soon as possible.

The Planning & Development Services Division has had this application in review for 31 Staff Review Days since the application was determined to have the minimal information to be reviewed.

These **2nd Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-4214 or at dmccclay@ScottsdaleAZ.gov.

Sincerely,

Doris McClay
Senior Planner

ATTACHMENT A
Resubmittal Checklist

Case Number: **8-ZN-2019**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 1/2 x 11 shall be folded):

☒ One copy: COVER LETTER – Respond to all the issues identified in the first review comment letter.

☒ One copy: Revised CD of submittal (CD/DVD, PDF format)

☒ Site Plan:

6 24" x 36" 1 11" x 17" 1 8 1/2" x 11"

☒ OPEN SPACE Plan:

1 24" x 36" 1 11" x 17" 1 8 1/2" x 11"

☒ LANDSCAPE PLAN:

1 24" x 36" 1 11" x 17" 1 8 1/2" x 11"

☒ COLORED LANDSCAPE PLAN:

0 24" x 36" 1 11" x 17" 1 8 1/2" x 11"

Doris, I revised the list per our discussion. Thanks ML



July 18, 2019

Michael Leary Ltd
10278 E Hillery Dr
Scottsdale, AZ 85255

RE: 8-ZN-2019 and 5-AB-2019
Senior Living at McDowell Mountain Ranch

Dear Mr. Leary:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 7/1/19. The following **2nd Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the second review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. **The abandonment case 5-AB-2019 could proceed through the process without the zoning case.** Please address the following:

2001 General Plan:

1. The General Plan Community Mobility Element (Goal 6) emphasizes the importance of providing access via alternative routes in the event that other access points or routes are not possible. The subject site is located north of, and adjacent to, State Lands parcel 217-14-984A.— a parcel with access that is limited to McDowell Mountain Ranch Road. Currently, access to this parcel is provided through General Land Office Easements (GLO's) for which the subject property is seeking to abandon (5-AB-2019). With a resubmittal, provide documentation and exhibits confirming the provision of access to parcel 217-14-984A will continue as a result of this proposal. Please work with adjacent properties to provide master access plan. See additional circulation comments below.

Zoning:

2. Specialized residential healthcare facilities shall not exceed 80 beds per gross acre and Minimal residential healthcare facilities shall not exceed 40 units per gross acre (Section 5.2203). These sections are not calculated cumulatively. If there is a mix of Specialized and Minimal on a property, staff has applied the more restrictive Minimal requirement to the



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Zoning:

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entire site. The site plan has the maximum allowed on each of these based on 5.658 gross acres which is the entire property. Please revise the calculations on the site plan.

3. NAOS slope analysis states that the Rio Verde Canal and existing washes are not included in the slope analysis calculations. Please revise the slope analysis to include these areas (Zoning Ordinance Section 6.1060.2). Slope analysis table under number 3 has the maximum slope at 19776.56%. Please clarify this maximum slope and add the Lower Desert landform to this table.
4. Please provide the area of the proposed NAOS within the Existing GLOPE easement and the dimension and provide the actual square footage of the Rio Verde canal area proposed as NAOS. Revised NAOS plan shows 30,734 square feet of undisturbed, but the NAOS calculations show 49,815 square feet of undisturbed NAOS. (Zoning Ordinance Section 6.1060.D). If GLO is not abandoned NAOS relocation will be necessary.
5. Zoning Ordinance 6.1060.B.4 states that a reduction can be taken for historically designated site (2 to 1). In order to be applicable, this area would have to be rezoned to the Historic Property overlay. Zoning Ordinance 6.1060.B.3 states that there can be a reduction in the required NAOS for scarred areas, but that this reduction can not increase the maximum 30% disturbed for the required NAOS. Please revised the NAOS plan to comply with this section.

Circulation:

6. Please be advised a dedication of an additional 5 feet along the McDowell Mountain Ranch Road frontage for a total minimum right-of-way dedication of 50 feet from monument line to property line - Suburban Major Collector (DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10) will be required. Please revise all plans to show this dedication and revise all calculations including open space and NAOS.
7. Please show the completion of the Major Collector cross section along the McDowell Mountain Ranch Road site frontage - two lanes each direction, bike lanes, center two-way left-turn lane. Match the existing completed cross section to the east (DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10).
8. Please be advised construction of an 8-foot wide sidewalk along the McDowell Mountain Ranch Road frontage, separated from the back of curb except at headwall locations or at other obstacles will be required (DSPM Sec. 5-3.110). Please show on revised plans.
9. In a possible exchange of existing 33' GLO right-of-way, please be advised a dedication of 30 feet of public right-of-way is necessary to provide access to the south. DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10 will be required. Proposed NAOS must be removed from any dedicated right-of-way. Please revise all plans to show this right-of-way dedication.
10. Please be advised construction of a Local Commercial street along the eastern property line will be required with a minimum 24 feet of pavement width, curb and gutter, and a 6-foot-wide sidewalk along the site frontage DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10.
11. On the request for abandonment of the GLOPE easements, the City does not support this abandonment on the property without a local street plan approved for the area that includes providing public access to the State Land to the south. Please work with the adjacent properties to provide this public access.

12. Please be advised SRC 48-7, 47-10, + 49-219: Off-site transportation, stormwater, + water resources improvements along property frontages to existing supporting infrastructure, with associated dedications, required. Update site plan with off-site improvements accordingly.

Fire:

13. Minimum fire lane width is 24 feet (Fire Ord 4283 503.2.1). Please demonstrate compliance on the site plan.

Archaeology:

14. Archaeology survey are still under review. Comments will be forthcoming. The shown preservation of the Verde Canal resource is a benefit to this project.


Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. While these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Site Design:

To address these comments, significant changes are anticipated to the proposed building footprint and the site plan.

15. DSPM 2-1.309: Required Number of Non-Residential, Mixed-Use, and Multi-Family Non-Residential, Mixed-Use, and Multi-Family Residential developments shall provide a commercial refuse enclosure for every 20 units. For this development, this equates to 22 commercial refuse enclosures. Alternatively, compactors may be used as an alternative to refuse or recycling containers. To determine adequacy and site location of compactors, if proposed, please provide the following on the site plan, compactor:
- Type
 - Capacity - Compactor capacity conversion equating to the city's required 1 enclosure for every 20 units.
 - Location
 - Place the refuse compactor container and approach pad so that the refuse truck route to and from the public street has a minimum unobstructed vertical clearance of thirteen (13) feet six (6) inches (fourteen 14 feet is recommended), and unobstructed minimum vertical clearance above the concrete approach slab and refuse compactor container storage area concrete slab of twenty-five (25) feet.
 - Place the refuse compactor container in a location that does not require the bin to be maneuvered or relocated from the bin's storage location to be loaded on to the refuse truck.
 - Provide a refuse compactor container approach area that has a minimum width of fourteen (14) feet and length of sixty (60) feet in front of the container.
 - Demonstrate path of travel for refuse truck accommodates a minimum vehicle turning radius of 45', and vehicle length of 40'

- 
16. DSPM 2-1.310: Update site plan with a 6-foot width accessible pedestrian route from the main entry of the development to each abutting public/private street that provides a pedestrian sidewalk/multi-use trail.
 17. Fire Riser room with exterior door required (DS&PM 6-1.504(1)). Please demonstrate compliance on revised plans.

Circulation:

18. Driveway spacing along Major Collectors is limited to 250 feet. The proposed western driveway is located less than 150 feet from the existing driveway to the west. The two proposed site driveways are less than 150 feet apart. DSPM 5-3.201. Please show compliance on the site plan.
19. The eastern site driveway as shown will create left-turn conflicts with the 99th Place to the north. The proposed driveway must be located a minimum distance of 250 feet from the 99th Place centerline (DSPM 5-3.201). Please show compliance on the site plan.
20. DSPM 5-3.123 E: Update site plan with auxiliary lanes: 11' wide left turn lane at all street intersections on major collectors + arterials (McDowell Ranch Rd. classified as major collector at project's location).

Technical Corrections

The following technical ordinance or policy related corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect a decision on the final plans submittal (construction and improvement documents) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Site:

21. Please provide zoning district of adjacent parcel on the site plan and show the required setback on the site plan.
22. Please show the 100 feet from the Single-family district line (centerline of the road) south to indicate the maximum building height of 32 feet area (Zoning Ordinance Section 5.2204.C.2).
23. Please provide the parking lot area on the Open Space plan. Parking lot landscaping is 15% of the parking lot area. Please revise the Open Space plan.
24. Please submit conceptual plans showing the McDowell Mountain Ranch street improvements along the site frontage.
25. Please submit conceptual plans showing the Local Commercial street improvements along the site frontage (eastern property line, 99th Place alignment).

Please resubmit the revised application requirements and additional/supplemental information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional/supplemental information is necessary.

Michael P. Leary, LTD

10278 E. Hillery Drive
Scottsdale, AZ 85255

cell (480) 991-1111
michaelpleary@cox.net

DATE: July 1, 2019

TO: Doris McClay, ~~Scottsdale Senior Planner~~

FROM: Mike Leary

RE: 8-ZN-2019/5-AB-2019 – Senior Living at MMR – 1st review letter ***responses shown in bolded italics***

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 5/13/19. The following **1st Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. To address these comments, significant changes to the proposed building footprint and site plan are anticipated. ***Per the responses below, there are no major changes to the building footprint and site plan.***

1. 2001 General Plan

The General Plan Community Mobility Element (Goal 6) emphasizes the importance of providing access via alternative routes in the event that other access points or routes are not possible.: ***Goal 6 states*** "Optimize the mobility of people, goods, and information for the expected buildout of the city. • Plan for alternative routes and modes to provide options in the event that expansion of existing routes is not possible." ***The Goal addresses transportation routes and modes but not access to individual parcels.*** The subject site is located north of, and adjacent to, State Lands parcel 217-14-984A – a parcel with access that is limited to McDowell Mountain Ranch Road. Currently, access to this parcel is provided through General Land Office Easements (GLO's) for which the subject property is seeking to abandon (5-AB-2019). ***The ASLD parcel's legal and physical access is Thompson Peak Parkway - not MMRR through GLO easements. As the ASLD parcel was not part of any GLO patent, the ASLD parcel is not assumed to have access rights thru the GLO parcels to MMRR. Nonetheless if the City believes there are access rights through GLOs, an alternative access plan is provided per the response to Item 19.*** With a resubmittal, provide documentation and exhibits confirming the provision of access to parcel 217-14-984A will continue as a result of this proposal. ***Legal and physical access to TPP is maintained.*** Please work with adjacent properties to provide master access plan. See additional circulation comments below. ***Legal and physical access is already provided to TPP. No secondary access to MMRR via the GLO easements on property is proposed.***

2. The General Plan Land Use Element (Goal 3, bullet 1; Goal 7, bullet 2) intends to ensure that neighborhood edges transition to one another by considering appropriate land uses and development patterns. Furthermore, the Open Space Element (Goal 1, bullets 1, 10, 11, 14, 15, 17, 20, and 22) seeks to protect and improve the quality of Scottsdale's natural and urban environments as defined in the quality and quantity of its open spaces.

To that end, the Community Mobility Element (Goal 7, bullet 1) states that scenic corridors should be sensitively integrated, and that the integrity of this setback is preserved. More specifically, Case 1-GP-2004 identified McDowell Mountain Ranch Road as a Desert Scenic Roadway Designation within the 2001 General Plan are the one mile and half mile roads within the Environmentally Sensitive Lands Overlay that are not already designated as a Scenic

Corridor or Buffered Roadway. *Per the 02/26/2004 City Council report, 1-GP-2004 did not "identify" MMRR by name or as a one-mile/half mile road per the Planning staff report abstract below.*

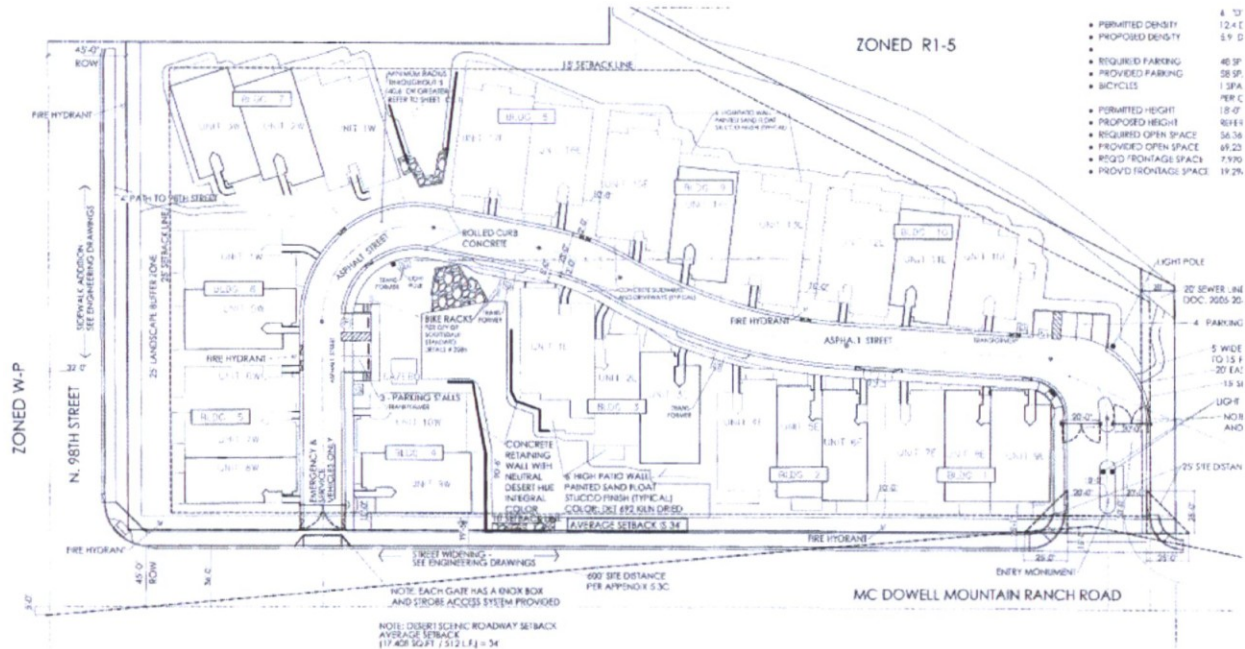
Following discussion at the Planning Commission hearing and from receiving input from citizens, staff is recommending a third level of scenic roadway designation called the "Desert Scenic Roadways". Desert Scenic Roadways are the one-mile and half-mile roads within the ESLO district that are not already designated as a Scenic Corridor or Buffered Roadway. Setbacks of these roadways will vary based on the topography and specific site conditions. These roadways will rely on the placement of NAOS and zoning setbacks to achieve an open space corridor along the road. Desert Scenic Roadways will apply to areas with existing and future proposed development, so the open space corridor will meander and not be a strict dimension. It will be important to examine new development on a case-by-case basis to ensure that the ESLO NAOS priorities (such as wash preservation and continuous open space) are

As stated before, MMRR is not a Desert Scenic Roadway as defined above as it exists for only 2 circuitous miles from 98th Street curving northward to Bell Road. Throughout its 2-mile length there is no portion at a one-mile/ half-mile spacing. The length and alignment are shown on the map below and the orange line is the half-mile mark.



The first submittal does not appear to provide a Desert Scenic Corridor setback along the site's McDowell Mountain Ranch Road frontage. With the resubmittal, please provide a Desert Scenic Roadway exhibit that provides for a minimum 20 feet, average 50 feet after dedication see #14 open space setback along McDowell Mountain Ranch Road. *Per the above, MMRR does not qualify as a Desert Scenic Roadway. As an aside, there is no*

20'/50' landscape requirement for Desert Scenic Roadways – only “NAOS and zoning setbacks”. This would align with the setback provided by recent approvals (23-ZN-2018) east of the subject site within the context area, which will ensure a meaningful open space transition is provided between the proposed development and the existing neighborhoods north of McDowell Mountain Ranch Road. **The building setback of 50' from MMRR per 23-ZN-2018 was a zoning ordinance requirement – not a DSR requirement.** As a supporting matter of fact, the Graythorn townhome project being constructed immediately north of the subject property has only a 10' landscape area - not a 20' minimum, 50' average or Scenic Corridor Easement - between back of sidewalk and its perimeter wall. Unlike the Graythorn frontage, the project is proposing a 20' landscape setback along MMRR combined with a building setback in excess of 80 feet.



3. The 2001 General Plan's Economic Vitality Element (Goals 3 and 4) discusses the importance of encouraging economic opportunities that have a positive economic impact and meet the needs of Scottsdale's residents. The first submittal narrative states that a "market study determined that the proposed senior living is in an area that is underserved" (pages 4 and 7). To ensure transparency, with a resubmittal, please provide a copy of the market study. **See Attachment "A" summary.**
4. As a response to Goal 1 of the Community Involvement Element, in a resubmitted narrative, please provide an updated Citizen Involvement Report that describes the key issues that have been identified through the public involvement process since the first submittal. **The narrative has not needed amendment. An updated Citizen Involvement Report will be submitted once the case is scheduled for Planning Commission.**
5. The General Plan Open Space and Recreation Element (Goals 1 and 5) emphasizes the need for usable open space for residents – as an important part of the community's overall quality of life. Although the proposal includes the provision of +/- 99,864 SF of open space, it is composed of:
 - +/- 28,759 SF of landscaping/firelanes that surround the building base;
 - +/- 22,500 SF of open space within the Old Verde Canal (noted as Common Open Space on the Open Space Plan);
 - +/- 10,663 SF of parking lot landscaping;
 - +/- 13,392 SF of street front open space;
 - +/- 9,375 SF of retention area; and,
 - +/- 2,375 SF of landscape island.

The remaining +/- 12,800 SF is the useable, internalized open space area for future residents that is surrounded on all sides by building structure. With a resubmittal, please provide an increase to the useable areas of open space for future residents. Furthermore, provide a tabulation of all open space areas to more transparently communicate open space and its intended use. **The General Plan Open Space and Recreation Element Goals 1 and 5 below are intended for public spaces - not private spaces on individual parcels.**

Goals and Approaches

1. **Protect and improve the quality of Scottsdale's natural and urban environments as defined in the quality and quantity of its open spaces.**
 - Provide ample opportunity for people to experience and enjoy the magnificent Sonoran Desert and mountains, balancing access with preservation.
 - Provide a variety of opportunities for passive and active outdoor recreational activities, such as hiking, horseback riding, mountain biking, rock climbing and wildlife observation.
 - Provide opportunities for education and research on the Sonoran Desert and mountains, and the history and archaeology of the community.
 - Provide access areas of sufficient size and with adequate facilities for public use and open space system access.
 - Develop a non-paved public trail system for hiking, mountain biking, and horseback riding and link these trails with other city and regional trails.



see Economic
Vitality Element

see Open Space map
for locations

see Character and
Design Element

see Character and
Design Element

see Case 1-GP-2004
for detail

- Restore habitat in degraded areas (burned, grazed, vehicular damage) of the McDowell Sonoran Preserve to its undisturbed condition including plant species diversity and natural ecological processes.
- Support tourism in the community by providing public scenic-outdoors-educational-recreational opportunities for visitors.
- Designate viewsheds and consider them when approving development.
- Promote creative residential and commercial development techniques consistent with the Character Plan for an area, to further preserve meaningful and accessible open space.
- Relate the character of open spaces to the uses and character of different areas of the city.
- Preserve and integrate visual and functional connections between major city open spaces into the design of development projects.
- Evaluate open space design with these primary determinants: aesthetics, public safety, maintenance needs, water consumption, drainage considerations, and multi-use and desert preservation.
- Integrate utilities and other public facilities sited in open spaces into the design of those open spaces, with consideration given to materials, form, and scale.
- Protect the visual quality of open space, unique city characteristics, and community landmarks.
- Preserve scenic views and vistas of mountains, natural features, and rural landmarks.
- Protect and use existing native plants, the design themes of character areas within which they are sited, and response to local conditions in landscape designs.
- Permanently secure an interconnected open space system to maintain visual and functional linkages between major city open spaces. This system should include significant Scottsdale landmarks, major drainage courses, regional linkages and utility corridors.
- Apply a **Scenic Corridor** designation along major streets to provide for open space and opportunities for trails and paths. This designation should be applied using the following guidelines:
 - * There is a need for a landscaped buffer between streets and adjacent land uses.
 - * An enhanced streetscape appearance is desired.
 - * Views to mountains and natural or man-made features will be enhanced.
- Consider **Buffered Roadways** to provide the streetscape with a unique image that should also reduce the impacts of a major street on adjacent parcels. This type of designation is primarily an aesthetic buffer.
- Apply a **Desert Scenic Roadway** designation along the one mile and a half mile streets within the Environmentally Sensitive Lands Ordinance (ESLO) district that are not classified as scenic Corridors or Buffered Roadways to maintain and enhance open space along roadways in ESL areas.

- Apply up to a 100 foot scenic buffer along streets within and adjacent to the Recommended Study Boundary of the McDowell Sonoran Preserve on undeveloped (as of 10-04-2005) properties of 25 acres or larger.
- Promote project designs that are responsive to the natural environment, people's needs, site conditions, and indigenous architectural approaches to provide unique character for the city.
- Continue to work with developers in designing land use plans that respect the topography, view corridors, wildlife corridors, and open space that exists. Where possible, enhance existing viewsheds as areas are developed and redeveloped.

¶



5. Improve the quality of life for all Scottsdale residents by ensuring a wide range of recreational facilities and services.

- Broaden citizen participation by the community in all phases of the planning and delivery of recreational open space.
- Encourage the expanded use of private resources and resources owned or controlled by public entities other than the city, which are suitable for recreational purposes.

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Scottsdale 2001 General Plan

- Conduct an ongoing, systematic assessment of recreational facility needs and preferences in recreational programming.
- Use parks and green space systems as primary elements in planning for long term sensitive growth planning, endangered species protection, and watershed protection by placing important natural areas in the public domain.
- Consider a wide range of recreational uses, including equestrian and bicycle uses during park planning.
- Pursue unique opportunities to acquire additional land having recreational possibilities at minimum costs.
- Prioritize new facilities based on those areas indicating the greatest need (i.e. overcrowding or unavailable resources).
- Encourage multiple use functions at recreational facilities - educational, recreational, etc.



Zoning:

6. Specialized residential healthcare facilities shall not exceed 80 beds per gross acre and Minimal residential healthcare facilities shall not exceed 40 units per gross acre (Section 5.2203). The site plan has the maximum allowed on each of these based on 5.658 gross acres which is the entire property. Please revise to separate each and apply the partial area of the site to each. ***The zoning ordinance does not segregate the two classifications. The densities for both uses are cumulative and therefore not applied to partial areas of the site (from a practicable standpoint there isn't a way to allocate portions of the site as both uses are within the same building).***

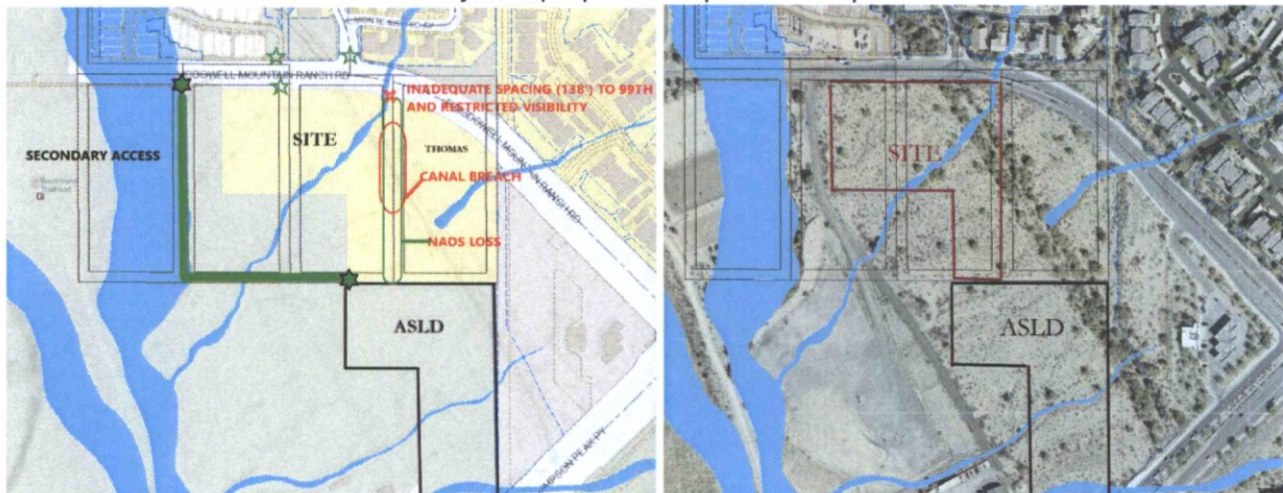
7. Please indicate on the floor plan for the specialized units the beds in the Memory care private and Memory care semi-private units. Specialized residential healthcare is based on beds in the number allowed and parking required. All parking calculations are rounded up. (Zoning Ordinance Section 5.2203 and Table 9.103.A). **Done**
8. NAOS slope analysis states that the Rio Verde Canal and existing washes are not included in the slope analysis calculations. Please revise the slope analysis to include these areas (Zoning Ordinance Section 6.1060.2). **As the NAOS area in the northeast corner of the site and the Verde Canal are excluded from the development, the application of slope analysis would be inappropriate. Wash areas - like the canal - are aberrations and not reflective of the actual slope.** Slope analysis table under number 3 has the maximum slope at 19776.56% . Please clarify this maximum slope and add the Lower Desert landform to this table. **Done**
9. Please provide the area of the proposed NAOS within the Existing GLOPE easement and the dimension and provide the actual square footage of the Rio Verde canal area proposed as NAOS. Provide the undisturbed and disturbed NAOS square footage and percentage (70% and 30%) of the required and provided NAOS (Zoning Ordinance Section 6.1060.D). If GLO is not abandoned NAOS relocation will be necessary. **The 70/30 split is identified. GLOPES will be abandoned.**
10. Table 5.2203.A in the Zoning Ordinance requires open space for residential healthcare facilities .24 multiplied by the net lot area (.24 x 222,068 square feet = 53,296.32 square feet) and frontage open space is required to be .50 multiplied by the required open space (26,648.16 square feet). Please revised open space and frontage open space. NAOS areas along frontage can be counted in frontage open space. **Done**
11. The maximum building height allowed in the Commercial Office district is 48 feet (Section 5.2204.C.1) and under the Environmentally Sensitive Lands Overlay building height is measured from the existing natural grade (Section 6.1070.B.1). Preliminary Grading and Drainage indicates significant fill in some areas of the proposed building. Please provide a roof over topography plan demonstrating that the proposed building complies with these requirements. **Done**
12. Please provide more analysis on the parking reduction request of 61 spaces (approximately 32% reduction) under Zoning Ordinance Section 9.104.F.4c. **Done**
13. Please be advised the abandonment compensation for the General Land Office Patent easement is in the process of being appraised based on the City's Valuation Policy. In kind dedication may offset as compensation (see circulation comments below). **Noted**

Circulation:

14. Please be advised a dedication of an additional 5 along the McDowell Mountain Ranch Road frontage for a total minimum right-of-way dedication of 50 feet from monument line to property line - Suburban Major Collector (DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10) will be required. Please revise all plans to show this dedication and revise all calculations including open space and NAOS. **As stated by staff at our pre-application meeting, no additional right-of-way is required due to the existing 45' half street right-of-way throughout the area including the Graythorn project under construction on the northside of MMRR.**
15. Please show the completion of the Major Collector cross section along the McDowell Mountain Ranch Road site frontage – two lanes each direction, bike lanes, center two-way left-turn lane. Match the existing completed cross section to the east (DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10). **Done**
16. Please be advised construction of an 8-foot wide sidewalk along the McDowell Mountain Ranch Road frontage, separated from the back of curb except at headwall locations or at other obstacles will be required (DSPM Sec. 5-3.110) Please shown on revised plans. **An 8-foot sidewalk separated a minimum of 4' from back-of-curb would extend 3' outside of the right-of-way which might explain why there's no separation on the Graythorn project. We are proposing a reasonable and appropriate 5' sidewalk width separated from back-of-curb by a 4' minimum landscape strip to match the 5' sidewalk along the Superpumper**

site to the east (but constructed back-of-curb). There are already 8' wide sidewalk sections constructed on the north side of MMRR which are more than adequate for all types of users - including bypass users - such as walkers, speed walkers, dog walkers, stroller walkers, stroller joggers, joggers, hikers, bicyclists, tricyclists, skateboarders, rollerbladers, razors, pogo stickers, jump ropers, horse riders, horses without riders, javelinists, coyotes, bobcats and all other user types including future aliens from a parallel universe. :)

17. In a possible exchange of existing 33' GLO right-of-way, please be advised a dedication of 30 feet of public right-of-way is necessary to provide access to the south. DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10 will be required. Proposed NAOS must be removed from any dedicated right-of-way. Please revise all plans to show this right-of-way dedication. **Per item 19 below there is no exchange, no dedication, and no removal of NAOS proposed.**
18. Please be advised construction of a Local Commercial street along the eastern property line will be required with a minimum 24 feet of pavement width, curb and gutter, and a 6-foot-wide sidewalk along the site frontage DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10. **Per item 19 there is no dedication or improvements proposed.**
19. On the request for abandonment of the GLOPE easements, the City does not support this abandonment on the property without a local street plan approved for the area that includes providing public access to the State Land to the south. Please work with the adjacent properties to provide this public access.



The ASLD parcel's legal and physical access is Thompson Peak Parkway - not MMRR and not through properties to the north using GLO easements. As the ASLD parcel was not part of any GLO patent, the ASLD parcel is not assumed to have access rights thru the GLO parcels to MMRR. Transportation staff has for years looked to limit/restrict/deny access to TPP by providing access - remote indirect access - from MMRR thru private properties in anticipation that the ASLD parcel would be acquired and developed by some future private entity. Conversely, the City Council has for years indicated their desire to acquire the ASLD parcel for expansion of WestWorld. Currently the City has ordered an appraisal and contacted ASLD about its intention to acquire the property as part of the 2019 bond issue. With or without the success of the Bond issue, the City remains the sole party interested in acquiring and developing the buried parcel. Nonetheless, as staff has asked for a local street plan which MIGHT provide a remote indirect access using GLOs to the ASLD parcel, an access plan is provided per the graphics above. The suggested access along the SITE/Thomas properties creates conflicts with staff's stated desire to maintain the Verde Canal, provide an adjoining trail and maximize NAOS. The driveway location at MMRR would also not meet the standard driveway separation of 250' standard/150' minimum and sight visibility on the curve of MMRR is compromised. Both owners of the subject and Thomas properties oppose this alignment. Alternatively, access from the NWC of the ASLD to 98th Place alignment at MMRR would avoid the

Verde Canal, the canal trail, and reduction in NAOS which is not required on the adjoining properties. The alignment would meet the 250' standard spacing and without sight visibility conflicts.

20. Please be advised SRC 48-7, 47-10, + 49-219: Off-site transportation, stormwater, + water resources improvements along property frontages to existing supporting infrastructure, with associated dedications, required. Update site plan with off-site improvements accordingly. ***Done***
21. Please be advised SRC 48-3 + 4: Land assemblage will be required for new parcel creation prior to permit issuance. Easements will be required for any public infrastructure running through private parcels. ***Noted***
22. Please be advised under the Transportation Master Plan dedication and construction of trail through Rio Verde Canal as determined by Transportation staff within project parcel boundaries. Update site plan accordingly. Transportation Plan does suggest a trail along the Verde Canal but is duplicated by existing trails and multi-use paths. ***Due to existing trails mentioned above, the project does not propose a redundant trail along the Verde Canal.***
23. **Fire:**
24. Access roads shall extend to within 300' of all portions of the building (Fire Ord 4283 503.1.1). Please demonstrate compliance on the site plan. ***Done***
25. Minimum fire lane width is 24 feet (Fire Ord 4283 503.2.1). Please demonstrate compliance on the site plan. ***We are still discussing with Fire about using a 20' width as the fire lanes are one-way only.***
26. On-site fire hydrants required (Fire Ord. 4283, 507.5.1.2). Please demonstrate compliance on the site plan. ***Done***

Drainage:

27. The Drainage Report has been accepted by the Stormwater Department. ***Noted***
28. The content and analysis requirements for case or preliminary drainage reports in support of more conceptual development applications such as general plan amendments and zoning applications are not the same as those for case drainage reports in support of development review or preliminary plat applications. The City requires significantly less information and analysis for the former due to the preliminary nature of these applications. In accordance with the City's Design Standards and Policies Manual (DSPM) preliminary drainage reports submitted in support of the more conceptual applications should include a 50% level of design and analysis including a preliminary grading and drainage plan to allow review and evaluation of the major drainage elements relating to a proposed project by City staff. Case drainage reports submitted in support of preliminary plat and development review applications should include a 75% level of design and analysis including a preliminary grading and drainage plan to allow an analysis of the viability of the proposed project and an in-depth evaluation of the function and design of the stormwater management system by City staff. Upon application of a development review application for this development, the case drainage report will need to be updated to meet the 75% level requirement. ***Done***
29. These issues should be evaluated and addressed as part of the Preliminary Grading & Drainage (G&D) Plan for the Development Review Board case:
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 - Drainage easements will be required for all stormwater storage basins.
 - The City discourages the placement of storm drains underneath buildings. If necessary, such storm drains must be oversized and/or include a duplicate pipe as an additional design safety factor.
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 - Existing topo should extend up to the western property boundary.

- The lines for proposed contours and proposed curb outlines look similar. Use different line types or line weights to differentiate.
- Include a table with the FEMA Flood Insurance Rate Map (FIRM) information per the DSPM (Figure 1-3.11).

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30. The City's stormwater waiver form should be included as part of the preliminary drainage report for development review. The Drainage Report should include a signed copy of the Warning and Disclaimer of Liability form from the DSPM (Appendix 4-1C). ***Noted***
31. As stated in the preliminary drainage report, the development site is currently impacted by significant offsite flows and floodplain originating at the north termination of the Rio Verde Canal located near the northeast corner of the site. As such, the feasibility of the proposed drainage plan and site layout for the proposed development is dependent upon the approval and implementation of the improvements as set forth in the proposed master drainage plan for this parcel and the two parcels to the east that will remove this off-site flow and floodplain affecting the development site. As a result, the approval of the development review case for the proposed development will be contingent upon the submission and approval of the drainage master plan and the satisfactory completion of the stipulations contained in the master drainage plan. While the drainage master plan is yet to be formally submitted to the City for review and approval, the master plan will need to address the following issues which will be stipulations to the drainage plans approval. ***Noted***
 - The Arizona State Land Department (ASLD) must approve the impacts to their parcel located downstream of the proposed outlet channel.
 - Westworld must approve drainage-related impacts to its facilities in general including the existing maintenance facility crossing of the remnant wash including mitigation of adverse impacts to the same.

Water and Waste Water:

32. Please submit the revised Water and Waste Water Design Report(s) with the rest of the resubmittal material identified in Attachment A addressing the review comments. ***Done***
33. Please revise water and wastewater flows to comply with DSPM 7-1.403. ***Done***

Airport:

34. Please be advised an aviation easement dedication and a noise disclosure will be required. ***Noted***

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35. Archaeology survey are still under review. Comments will be forthcoming. The shown preservation of the Verde Canal resource is a benefit to this project. ***Noted***

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The following policy related issues have been identified in the first review of this application. While these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

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To address these comments, significant changes are anticipated to the proposed building footprint and the site plan.

36. Per DSPM 2-1.303: a 24 feet minimum drive aisle width is required. Please update site plan accordingly. ***Done***
37. ***Noted*** DSPM 2-1.309: Required Number of Non-Residential, Mixed-Use, and Multi-Family Non-Residential, Mixed-Use, and Multi-Family Residential developments shall provide a commercial refuse enclosure for every 20 units. For this development, this equates to 22 commercial refuse enclosures. Alternatively, compactors may be used as an alternative to refuse or recycling containers. To determine adequacy and site location of compactors, if proposed, please provide the following on the site plan, compactor:

- Type. **Noted on Plans.**
 - Capacity - Compactor capacity conversion equating to the city's required 1 enclosure for every 20 units. **Plans have been updated and we are providing a (1) 6 cubic yard trash compactor, (1) 4 cubic yard standard trash container, and (1) grease collections container.**
 - Location
 - Place the refuse compactor container and approach pad so that the refuse truck route to and from the public street has a minimum unobstructed vertical clearance of thirteen (13) feet six (6) inches (fourteen 14 feet is recommended), and unobstructed minimum vertical clearance above the concrete approach slab and refuse compactor container storage area concrete slab of twenty-five (25) feet. **Shown on Plans.**
 - Place the refuse compactor container in a location that does not require the bin to be maneuvered or relocated from the bin's storage location to be loaded on to the refuse truck. **Shown on Plans.**
 - Provide a refuse compactor container approach area that has a minimum width of fourteen (14) feet and length of sixty (60) feet in front of the container. **Shown on Plans.**
 - Demonstrate path of travel for refuse truck accommodates a minimum vehicle turning radius of 45', and vehicle length of 40'. **Shown on Plans.**
38. Although not a requirement, recycling is an amenity found to be desired by Scottsdale residents. Will recycling containers be provided for project and location? **Not yet determined**
39. DSPM 2-1.310: Update site plan with a 6-foot width accessible pedestrian route from the main entry of the development to each abutting public/private street that provides a pedestrian sidewalk/multi-use trail. **Since a 6' sidewalk exceeds actual demand, a 5' sidewalk is proposed to tie into the adequate 5' sidewalk along MMRR.**
40. Required fire lane turning radii are as follows: 25' inner/49' Outside /55' Bucket Swing. **Noted** (DS&PM 2-1.303(5)). Please demonstrate compliance on the site plan. **Done**
41. Fire apparatus turn-around is required at for dead-ends over 300' (DS&PM 2-1.303(8)). Please demonstrate compliance with the site plan. **Done**
42. Fire Riser room with exterior door required (DS&PM 6-1.504(1)). Please demonstrate compliance on revised plans. **Done**

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43. On the City's Ambient lighting zones plan, this property is within the Suburban Areas ambient light levels. The maximum light level in the area type is 8 footcandles. The photometric submitted has a maximum of 19.7 footcandles. Please revised the lighting fixtures to comply and submit revised photometrics. **Done**

Circulation:

44. Driveway spacing along Major Collectors is limited to 250 feet. The proposed western driveway is located less than 150 feet from the existing driveway to the west. The two proposed site driveways are less than 150 feet apart. DSPM 5-3.201. Please show compliance on the site plan. **250' is standard and 150' is minimum although exceptions are made due to the existing non-conforming driveways (on the northside of MMRR). The main driveway has been set by aligning with the Graythorn driveway as the original driveway location was to align with 99th Place. We were requested to move the entrance west to avoid impacting the Verde Canal.**
45. The eastern site driveway as shown will create left-turn conflicts with the 99th Place to the north. The proposed driveway must be located a minimum distance of 250 feet from the 99th Place centerline (DSPM 5-3.201). Please show compliance on the site plan. **See comment above**
46. Provide sidewalk connections from all parking areas to the building entrance and from the building entrances to McDowell Mountain Ranch Road. **Done**
47. DSPM 5-3.123 E: Update site plan with auxiliary lanes: 11' wide left turn lane at all street intersections on major collectors + arterials (McDowell Ranch Rd. classified as major collector at project's location. **Done**

Technical Corrections

The following technical ordinance or policy related corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect a decision on the final plans submittal (construction and improvement documents) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Site:

- 48. Please provide zoning district of adjacent parcel on the site plan and show the required setback on the site plan. **Done**
- 49. Please show the 100 feet from the Single-family district line (centerline of the road) south to indicate the maximum building height of 32 feet area (Zoning Ordinance Section 5.2204.C.2). **Done**
- 50. Please revise the Open Space plan to include NAOS square footage and NAOS locations. **Done**
- 51. Open space graphic splits parking lot landscaping in areas where it is clearly street frontage open space. Please revise the Open Space plan. **Done**
- 52. Please submit conceptual plans showing the McDowell Mountain Ranch street improvements along the site frontage. **Done**
- 53. Please submit conceptual plans showing the Local Commercial street improvements along the site frontage (eastern property line, 99th Place alignment). **No street is proposed. See item 19 response.**
- 54. Please be advised that Emergency vehicle access easements may be required. **Noted**

Other:

- 55. Please see corrections on the legal description and exhibit for the abandonment documents and revise accordingly. **Done**
- 56. On the submitted Traffic Study, Page 9, paragraph 2 – If an update is submitted in the future, please indicate that the stated cross section and speed limit is between 98th Street and Thompson Peak Parkway. Also, please add that McDowell Mountain Ranch Road west of 98th Street and is an auxiliary access for WestWorld with closable gates. **Noted**

Please resubmit the revised application requirements and additional/supplemental information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional/supplemental information is necessary.

PLEASE CALL 480-312-7767 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

In an effort to get this Zoning District Map Amendments request to a Development Review Board / Planning Commission hearing, please submit the revised material identified in Attachment A as soon as possible.

The Planning & Development Services Division has had this application in review for 18 Staff Review Days since the application was determined to have the minimal information to be reviewed.

These 1st Review Comments are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-4214 or at dmccclay@ScottsdaleAZ.gov.

Sincerely,

Doris McClay
Senior Planner

cc:

ATTACHMENT A
Resubmittal Checklist

Case Number: **8-ZN-2019 and 5-AB-2019**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 ½ x11 shall be folded):

Digital submittals shall include one copy of each item identified below.

- ☒ One copy: COVER LETTER – Respond to all the issues identified in the first review comment letter. **Done**
- ☒ One copy: Revised CD of submittal (CD/DVD, PDF format) **Done**
- ☒ One copy: Revised Narrative for Project **Done**
- ☒ Three copies of the Revised Traffic Impact Mitigation Analysis (TIMA) **No changes to TIMA required**
- ☒ Two copies of the Revised Parking Study / Analysis **Done**

☒ Context Aerial with the proposed Site Plan superimposed

Color, 1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Site Plan:

6 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ NAOS Plan:

2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Open Space Plan:

2 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Lighting Site Plan(s):

1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Photometric Analysis Plan(s):

1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Manufacturer Cut Sheets of All Proposed Lighting:

1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Floor Plan(s):

1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Roof plan over Topography Map:

1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Slope Analysis (superimposed on a topography map)

1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Other Supplemental Materials:

Technical Reports: Please include one (1) digital copy with each report

☒ 3 copies of Revised Water Design Report:

☒ 3 copies of Revised Waste Water Design Report:

Resubmit the revised Drainage Reports, Water and Waste Water Report and/or Storm Water Waiver application to your Project Coordinator with any prior City mark-up documents.



June 11, 2019

Michael Leary
10278 E Hillery Dr
Scottsdale, AZ 85255

RE: 8-ZN-2019 and 5-AB-2019
Senior Living at McDowell Mountain Ranch
4Q087 (Key Code)

Dear Mr. Leary:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 5/13/19. The following **1st Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. **To address these comments, significant changes to the proposed building footprint and site plan are anticipated.** Please address the following:

2001 General Plan:

1. The General Plan Community Mobility Element (Goal 6) emphasizes the importance of providing access via alternative routes in the event that other access points or routes are not possible. The subject site is located north of, and adjacent to, State Lands parcel 217-14-984A – a parcel with access that is limited to McDowell Mountain Ranch Road. Currently, access to this parcel is provided through General Land Office Easements (GLO's) for which the subject property is seeking to abandon (5-AB-2019). With a resubmittal, provide documentation and exhibits confirming the provision of access to parcel 217-14-984A will continue as a result of this proposal. Please work with adjacent properties to provide master access plan. See additional circulation comments below.
2. The General Plan Land Use Element (Goal 3, bullet 1; Goal 7, bullet 2) intends to ensure that neighborhood edges transition to one another by considering appropriate land uses and development patterns. Furthermore, the Open Space Element (Goal 1, bullets 1, 10, 11, 14, 15, 17, 20, and 22) seeks to protect and improve the quality of Scottsdale's natural and urban environments as defined in the quality and quantity of its open spaces.

To that end, the Community Mobility Element (Goal 7, bullet 1) states that scenic corridors should be sensitively integrated, and that the integrity of this setback is preserved. More specifically, Case 1-GP-2004 identified McDowell Mountain Ranch Road as a Desert Scenic Roadway Designation within the 2001 General Plan. Desert Scenic Roadways are the one mile and half mile roads within the Environmentally Sensitive Lands Overlay that are not already designated as a Scenic Corridor or Buffered Roadway.

The first submittal does not appear to provide a Desert Scenic Corridor setback along the site's McDowell Mountain Ranch Road frontage. With the resubmittal, please provide a Desert Scenic Roadway exhibit that provides for a minimum 20 feet, average 50 feet (after dedication see #14), open space setback along McDowell Mountain Ranch Road. This would align with the setback provided by recent approvals (23-ZN-2018) east of the subject site and within the context area, which will ensure a meaningful open space transition is provided between the proposed development and the existing neighborhoods north of McDowell Mountain Ranch Road.

3. The 2001 General Plan's Economic Vitality Element (Goals 3 and 4) discusses the importance of encouraging economic opportunities that have a positive economic impact and meet the needs of Scottsdale's residents. The first submittal narrative states that a "market study determined that the proposed senior living is in an area that is underserved" (pages 4 and 7). To ensure transparency, with a resubmittal, please provide a copy of the market study.
4. As a response to Goal 1 of the Community Involvement Element, in a resubmitted narrative, please provide an updated Citizen Involvement Report that describes the key issues that have been identified through the public involvement process since the first submittal.
5. The General Plan Open Space and Recreation Element (Goals 1 and 5) emphasizes the need for usable open space for residents – as an important part of the community's overall quality of life. Although the proposal includes the provision of +/- 99,864 SF of open space, it is composed of:
 - +/- 28,759 SF of landscaping/firelanes that surround the building base;
 - +/- 22,500 SF of open space within the Old Verde Canal (noted as Common Open Space on the Open Space Plan);
 - +/- 10,663 SF of parking lot landscaping;
 - +/- 13,392 SF of street front open space;
 - +/- 9,375 SF of retention area; and,
 - +/- 2,375 SF of landscape island.

The remaining +/- 12,800 SF is the useable, internalized open space area for future residents that is surrounded on all sides by building structure. With a resubmittal, please provide an increase to the useable areas of open space for future residents. Furthermore, provide a tabulation of all open space areas to more transparently communicate open space and its intended use.

Zoning:

6. Specialized residential healthcare facilities shall not exceed 80 beds per gross acre and Minimal residential healthcare facilities shall not exceed 40 units per gross acre (Section

5.2203). The site plan has the maximum allowed on each of these based on 5.658 gross acres which is the entire property. Please revise to separate each and apply the partial area of the site to each.

7. Please indicate on the floor plan for the specialized units the beds in the Memory care private and Memory care semi-private units. Specialized residential healthcare is based on beds in the number allowed and parking required. All parking calculations are rounded up. (Zoning Ordinance Section 5.2203 and Table 9.103.A).
8. NAOS slope analysis states that the Rio Verde Canal and existing washes are not included in the slope analysis calculations. Please revise the slope analysis to include these areas (Zoning Ordinance Section 6.1060.2). Slope analysis table under number 3 has the maximum slope at 19776.56%. Please clarify this maximum slope and add the Lower Desert landform to this table.
9. Please provide the area of the proposed NAOS within the Existing GLOPE easement and the dimension and provide the actual square footage of the Rio Verde canal area proposed as NAOS. Provide the undisturbed and disturbed NAOS square footage and percentage (70% and 30%) of the required and provided NAOS (Zoning Ordinance Section 6.1060.D). If GLO is not abandoned NAOS relocation will be necessary.
10. Use Table 5.2203.A in the Zoning Ordinance requires open space for residential healthcare facilities .24 multiplied by the net lot area (.24 x 222,068 square feet = 53,296.32 square feet) and frontage open space is required to be .50 multiplied by the required open space (26,648.16 square feet). Please revised open space and frontage open space. NAOS areas along frontage can be counted in frontage open space.
11. The maximum building height allowed in the Commercial Office district is 48 feet (Section 5.2204.C.1) and under the Environmentally Sensitive Lands Overlay building height is measured from the existing natural grade (Section 6.1070.B.1). Preliminary Grading and Drainage indicates significant fill in some areas of the proposed building. Please provide a roof over topography plan demonstrating that the proposed building complies with these requirements.
12. Please provide more analysis on the parking reduction request of 61 spaces (approximately 32% reduction) under Zoning Ordinance Section 9.104.F.4c.
13. Please be advised the abandonment compensation for the General Land Office Patent easement is in the process of being appraised based on the City's Valuation Policy. In kind dedication may offset as compensation (see circulation comments below).

Circulation:

14. Please be advised a dedication of an additional 5 feet along the McDowell Mountain Ranch Road frontage for a total minimum right-of-way dedication of 50 feet from monument line to property line -- Suburban Major Collector (DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10) will be required. Please revise all plans to show this dedication and revise all calculations including open space and NAOS.
15. Please show the completion of the Major Collector cross section along the McDowell Mountain Ranch Road site frontage -- two lanes each direction, bike lanes, center two-way left-turn lane. Match the existing completed cross section to the east (DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10).

16. Please be advised construction of an 8-foot wide sidewalk along the McDowell Mountain Ranch Road frontage, separated from the back of curb except at headwall locations or at other obstacles will be required (DSPM Sec. 5-3.110). Please show on revised plans.
17. In a possible exchange of existing 33' GLO right-of-way, please be advised a dedication of 30 feet of public right-of-way is necessary to provide access to the south. DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10 will be required. Proposed NAOS must be removed from any dedicated right-of-way. Please revise all plans to show this right-of-way dedication.
18. Please be advised construction of a Local Commercial street along the eastern property line will be required with a minimum 24 feet of pavement width, curb and gutter, and a 6-foot-wide sidewalk along the site frontage DSPM Sec. 5-3.100; Scottsdale Revised Code Sec. 47-10.
19. On the request for abandonment of the GLOPE easements, the City does not support this abandonment on the property without a local street plan approved for the area that includes providing public access to the State Land to the south. Please work with the adjacent properties to provide this public access.
20. Please be advised SRC 48-7, 47-10, + 49-219: Off-site transportation, stormwater, + water resources improvements along property frontages to existing supporting infrastructure, with associated dedications, required. Update site plan with off-site improvements accordingly.
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Circulation:

43. Driveway spacing along Major Collectors is limited to 250 feet. The proposed western driveway is located less than 150 feet from the existing driveway to the west. The two proposed site driveways are less than 150 feet apart. DSPM 5-3.201. Please show compliance on the site plan.
44. The eastern site driveway as shown will create left-turn conflicts with the 99th Place to the north. The proposed driveway must be located a minimum distance of 250 feet from the 99th Place centerline. (DSPM 5-3.201). Please show compliance on the site plan.
45. Provide sidewalk connections from all parking areas to the building entrance and from the building entrances to McDowell Mountain Ranch Road.
46. DSPM 5-3.123 E: Update site plan with auxiliary lanes: 11' wide left turn lane at all street intersections on major collectors + arterials (McDowell Ranch Rd. classified as major collector at project's location).

Technical Corrections

The following technical ordinance or policy related corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect a decision on the final plans submittal (construction and improvement documents) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Site:

47. Please provide zoning district of adjacent parcel on the site plan and show the required setback on the site plan.
48. Please show the 100 feet from the Single-family district line (centerline of the road) south to indicate the maximum building height of 32 feet area (Zoning Ordinance Section 5.2204.C.2).

49. Please revise the Open Space plan to include NAOS square footage and NAOS locations.
50. Open space graphic splits parking lot landscaping in areas where it is clearly street frontage open space. Please revise the Open Space plan.
51. Please submit conceptual plans showing the McDowell Mountain Ranch street improvements along the site frontage.
52. Please submit conceptual plans showing the Local Commercial street improvements along the site frontage (eastern property line, 99th Place alignment).
53. Please be advised that Emergency vehicle access easements may be required.

Other:

54. Please see corrections on the legal description and exhibit for the abandonment documents and revise accordingly.
55. On the submitted Traffic Study, Page 9, paragraph 2 – If an update is submitted in the future, please indicate that the stated cross section and speed limit is between 98th Street and Thompson Peak Parkway. Also, please add that McDowell Mountain Ranch Road west of 98th Street and is an auxiliary access for WestWorld with closable gates.

Please resubmit the revised application requirements and additional/supplemental information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional/supplemental information is necessary.

PLEASE CALL 480-312-7767 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

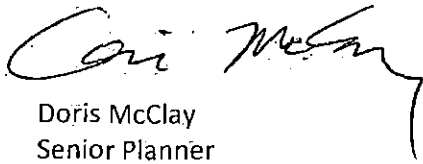
In an effort to get this Zoning District Map Amendments request to a Development Review Board / Planning Commission hearing, please submit the revised material identified in Attachment A as soon as possible.

The Planning & Development Services Division has had this application in review for 18 Staff Review Days since the application was determined to have the minimal information to be reviewed.

These **1st Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-4214 or at dmccclay@ScottsdaleAZ.gov.

Sincerely,


Doris McClay
Senior Planner

cc:

ATTACHMENT A
Resubmittal Checklist

Case Number: **8-ZN-2019 and 5-AB-2019**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 1/2" x 11" shall be folded):

Digital submittals shall include one copy of each item identified below.

- ☒ One copy: COVER LETTER – Respond to all the issues identified in the first review comment letter.
- ☒ One copy: Revised CD of submittal (CD/DVD, PDF format)
- ☒ One copy: Revised Narrative for Project
- ☒ Three copies of the Revised Traffic Impact Mitigation Analysis (TIMA)
- ☒ Two copies of the Revised Parking Study / Analysis

- ☒ Context Aerial with the proposed Site Plan superimposed

Color 1 24" x 36" 1 11" x 17" 1 8 1/2" x 11"

- ☒ Site Plan:

6 24" x 36" 1 11" x 17" 1 8 1/2" x 11"

- ☒ NAOS Plan:

2 24" x 36" 1 11" x 17" 1 8 1/2" x 11"

- ☒ Open Space Plan:

2 24" x 36" 1 11" x 17" 1 8 1/2" x 11"

- ☒ Lighting Site Plan(s):

1 24" x 36" 1 11" x 17" 1 8 1/2" x 11"

☒ Photometric Analysis Plan(s):

 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Manufacturer Cut Sheets of All Proposed Lighting:

 1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Floor Plan(s):

 1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Roof plan over Topography Map:

 1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Slope Analysis (superimposed on a topography map)

 1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

☒ Other Supplemental Materials:

Technical Reports: Please include one (1) digital copy with each report

 ☒ 3 copies of Revised Water Design Report:

 ☒ 3 copies of Revised Waste Water Design Report:

Resubmit the revised Drainage Reports, Water and Waste Water Report and/or Storm Water Waiver application to your Project Coordinator with any prior City mark-up documents.



SCOTTSDALE AIRPORT VICINITY DEVELOPMENT SHORT FORM

For development projects within 20,000 feet of Scottsdale Airport NOT located on an Airpark taxilane or adjacent to airport property

The owner of developments within the Airport Influence Area shall complete forms required by the City and Scottsdale Airport to comply with the Scottsdale Revised Code, Chapter 5 – Aviation and the Airpark Rules and Regulations; and submit the completed forms with final plans to the assigned city project manager.

Project Name: Senior Living McDowell Mt Ranch	Pre-App: 99-FA-2019
Site Address: 9909 E. McDowell Mountain Ranch Road	
Contact name: Mike Leary	Phone: 480.991.1111

1. HEIGHT ANALYSIS, CH. 5, SEC. 5-354. GENERAL REQUIREMENTS

- ☒ Applicants must conduct a height analysis for all projects located within 20,000 feet of Scottsdale Airport.
1. Complete a height analysis for all structures, appurtenances or construction equipment through the FAA at: <https://oeaaa.faa.gov/oeaaa/external/portal/jsp>, click on the Notice Criteria Tool (left side). If you do not exceed criteria, submit this FAA response from the website with your packet or you must complete step 2.
- IF required by FAA, complete Step 2**
2. Submit an FAA form 7460-1 Notice of Proposed Construction or Alteration for review and determination. Please allow about 45 days for this process. A copy of the FAA's response will be required prior to final plan approval.

2. AIRCRAFT NOISE AND OVERFLIGHT DISCLOSURE, CH. 5, SEC. 5-356 & SECT. 5-357

- ☐ Incorporate the Airport Disclosure for Development around Scottsdale Airport language into the CC&Rs or other procedural documents and provide a copy. *Exhibit A*
- ☐ An aviation easement will need to be granted to the city. If not already recorded for property, submit a notarized Aviation Easement form with packet to your project manager. *Exhibit B*

8-ZN-2019
5/13/2019

3. APPLICANT'S SIGNATURE

Signature:

Michael P. Leary

Date:

Aviation Approval:

Date:

Comments:

For questions regarding this form or aviation-related requirements, contact Scottsdale Airport at 480-312-2321.

SCOTTSDALE AIRPORT
AZ 85259

WINSTAR

Harvey, Bill (Phoenix) <bill.harvey@stantec.com>

Wed 5/8/2019 12:49 PM

To: mike leary <michaelpleary@cox.net>

Cc: Koester, Mark <mark.koester@stantec.com>

2 attachments (4 MB)

WINSTAR_Part_77_Exhibit.pdf; FAA Action Plan reduced.pdf;

Good Afternoon Mike,

Attached is the FAA Action Plan and results of the height analysis, which I sent you yesterday.

You or your client will need to fill out the Scottsdale Airport Vicinity Development – Short Form. The Height Analysis under item 1 is the work we have completed for you. We utilized the Notice Criteria Tool on the FAA site and generated the attached report and action plan.

The FAA will require filing of a 7460-1, (see highlighted on the action plan). We recommend waiting until the Scottsdale Short Form has been submitted first, and then follow up with the filing of the 7460-1 shortly after. Information that is needed for the filing is:

1. Contact for Notice (Sponsor for off airport) - This could be a point of contact here at Stantec, someone from SW Holdings L.L.P, or you.
2. Date and duration of proposed construction.
3. Sketch(s) – Some of the ones sent in this correspondence.

The net result of our analysis is that there should be no issue with the plan from an airspace perspective. The building is clear of the Part 77 surfaces by 118 feet worst case.

Let me know how you wish to proceed on the filing with FAA. We can certainly do it anytime with a couple of days' notice. Call with questions.

Regards,

Bill Harvey
Senior Associate

Direct: (480) 687-6110

Mobile: 602 363-5922

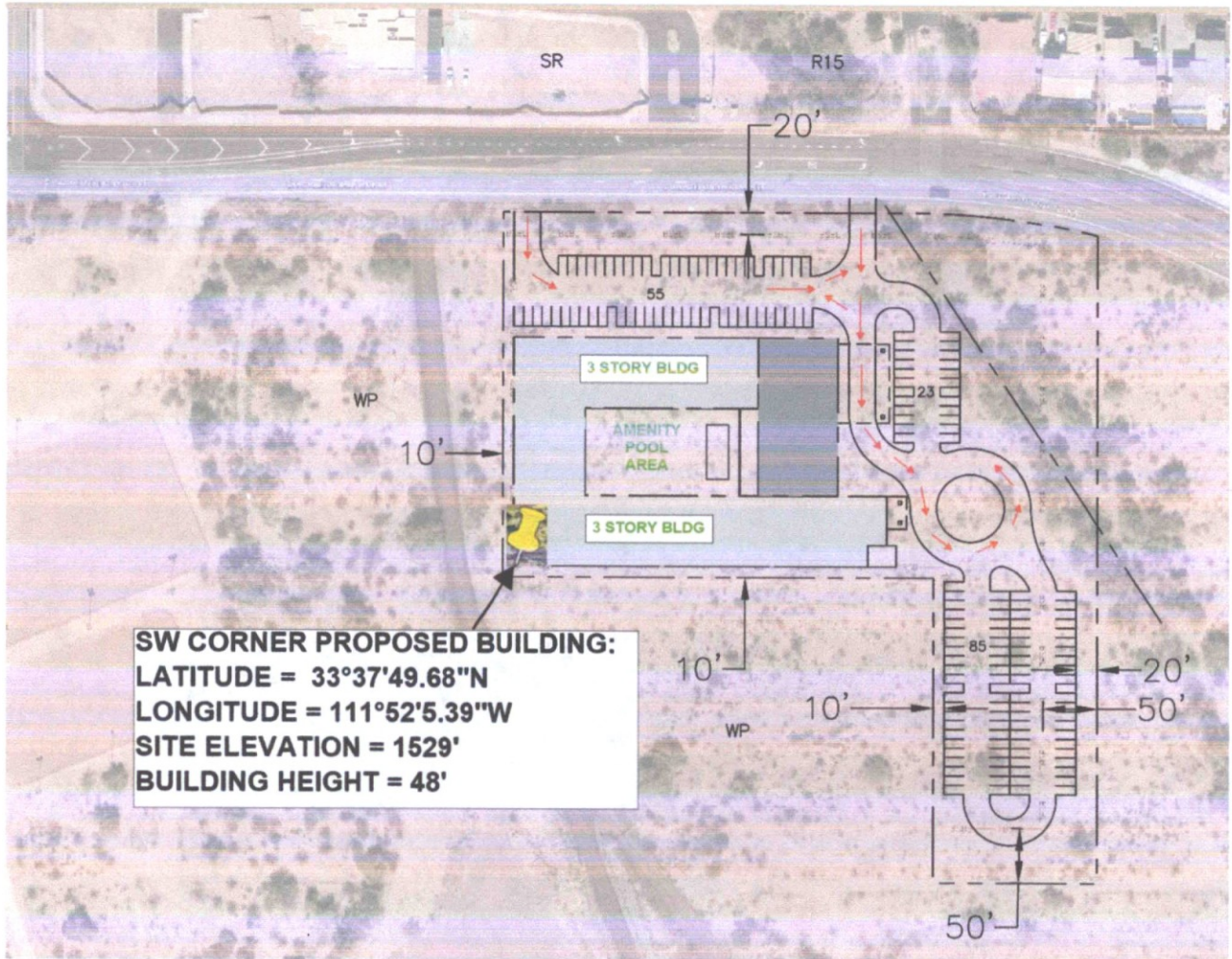
Fax:

bill.harvey@stantec.com

We've moved! Please update your records with our new address and phone number:

3133 West Frye Road, Suite 300
Chandler, Arizona 85226

MCDOWELL MOUNTAIN RANCH - SENIOR LIVING 7460-1 Exhibit
Preliminary Site Rendering 2/6/2019



Airspace Parameters	
Airport Elev=	1510.3
Horizontal Surface Elev =	1660.3
Begin Conical Surface Dist.=	10000
Part 77 Conical Surface Slope	.20

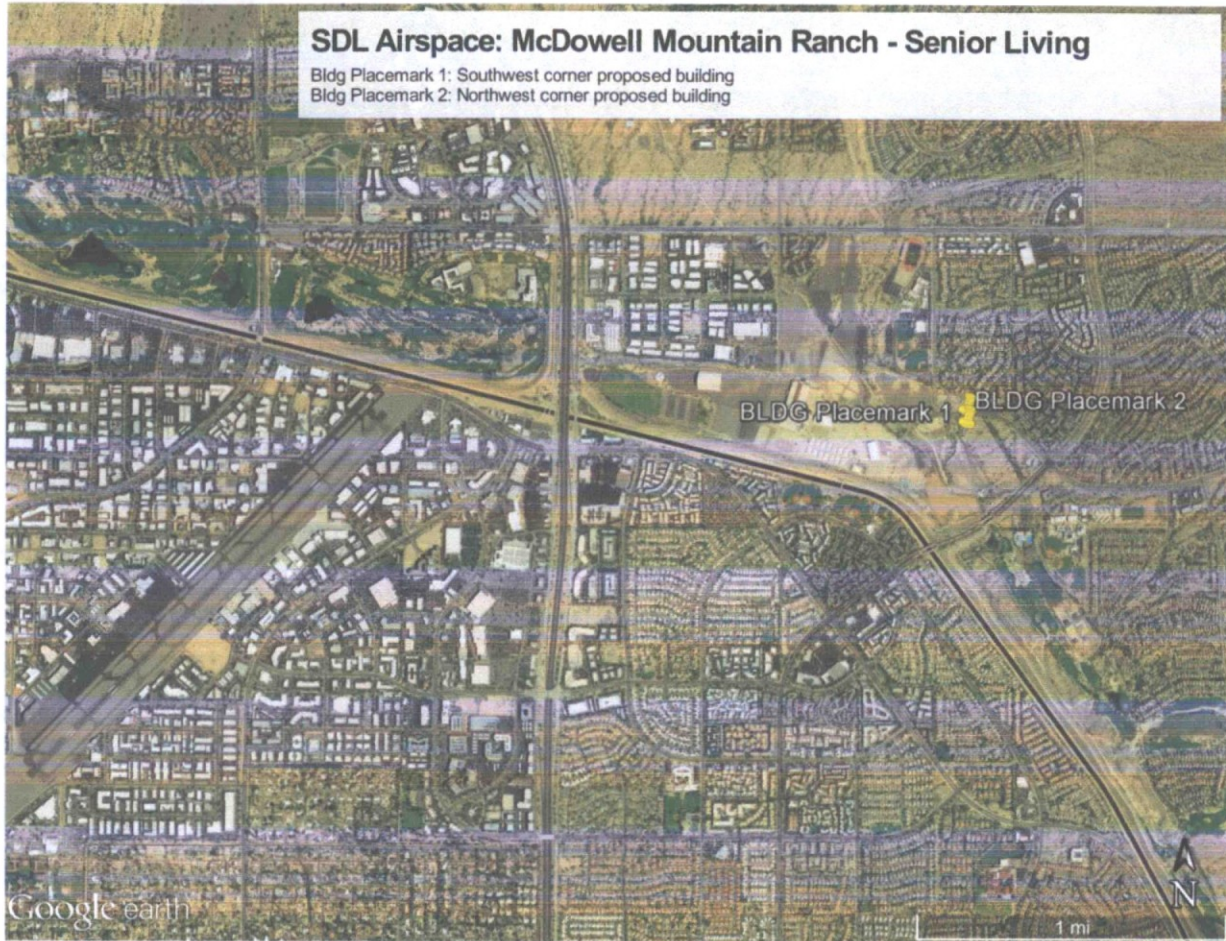
	Dist. From Rwy CL	Existing Ground Elev	Maximum Structure Elev (+48')	P77 Conical Elev	P77 Conical Clearance
MMR Senior Living Placemark 1	10145	1529	1577	1667.6	90.6
MMR Senior Living Placemark 2	10165	1533	1581	1668.6	87.6

Note: Proposed Structure Elevations and Positions provided by Client.



SDL Airspace: McDowell Mountain Ranch - Senior Living

Bldg Placemark 1: Southwest corner proposed building
Bldg Placemark 2: Northwest corner proposed building



SDL Airspace: McDowell Mountain Ranch - Senior Living

Bldg Placemark 1: Southwest corner proposed building
Bldg Placemark 2: Northwest corner proposed building



PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURN TO THE APPLICANT.

In an effort to get this Zoning District Map Amendments request to a Development Review Board / Planning Commission hearing, please submit the revised material identified in Attachment A as soon as possible.

The Planning & Development Services Division has had this application in review for 31 Staff Review Days since the application was determined to have the minimal information to be reviewed.

These 2nd Review Comments are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305 of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-4214 or at dmccclay@ScottsdaleAZ.gov.

Sincerely,

Doris McClay
Senior Planner

ATTACHMENT A
Resubmittal Checklist

Case Number: **8-ZN-2019**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 ½ x 11 shall be folded):

☒ One copy: COVER LETTER – Respond to all the issues identified in the first review comment letter.

☒ One copy: Revised CD of submittal (CD/DVD, PDF format)

☒ Site Plan:

_____ 24" x 36" _____ 11" x 17" _____ 8 ½" x 11"

☒ NAOS Plan:

_____ 24" x 36" _____ 11" x 17" _____ 8 ½" x 11"

☒ Slope Analysis (superimposed on a topography map)

_____ 24" x 36" _____ 11" x 17" _____ 8 ½" x 11"

☒ Cuts & Fills Site Plan

_____ 24" x 36" _____ 11" x 17" _____ 8 ½" x 11"

☒ Composite Factors Map

_____ 24" x 36" _____ 11" x 17" _____ 8 ½" x 11"

☒ Unstable Slopes / Boulders Rolling Map

_____ 24" x 36" _____ 11" x 17" _____ 8 ½" x 11"

☒ Bedrock & Soils Map

_____ 24" x 36" _____ 11" x 17" _____ 8 ½" x 11"

☒ Scenic or Vista Corridor Plan

_____ 24" x 36" _____ 11" x 17" _____ 8 ½" x 11"

☒ Development Plan Booklets

The Development Plan booklets shall be clipped together separately, and not be bounded.

Color _____ 11" x 17" _____ 8 1/2" x 11"

- 8 1/2" x 11" – 3 color copy on archival (acid free paper) (To be submitted after the Planning Commission hearing.)

☒ Other Supplemental Materials:

(Enter submittal items here that are not indicated above, but are referenced in the comment letter.)

Technical Reports: Please provide one (1) digital copy of each report requested

- ☒ 2 copies of Revised Drainage Report:
- ☒ 1 copies of Revised Storm Water Waiver:
- ☒ 3 copies of Revised Water Design Report:
- ☒ 3 copies of Revised Waste Water Design Report:

Resubmit the revised Drainage Reports, Water and Waste Water Report and/or Storm Water Waiver application to your Project Coordinator with any prior City mark-up documents.